

ORDINANCE NO. 17-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN ADDING CHAPTER 163 TO THE AUBURN MUNICIPAL CODE ADOPTING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, The State of California adopted Assembly Bill (AB) 1236, which requires local governments to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and,

WHEREAS, the City seeks to adopt an ordinance that complies with AB 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) while protecting public health and safety.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section One: Code Adoption. Chapter 163 of the Auburn Municipal Code entitled "Electric Vehicle Charging Station" is hereby added to the Auburn Municipal Code as set forth in the attached Exhibit "A".

Section Two: California Environmental Quality Act. The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the City Council, and hereby determines that that the adoption of this Ordinance will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental

Quality Act (CEQA) review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations. City Council further finds that in accordance with CEQA Guidelines section 15268, 15308, and 15378, the adoption of this amendment to the Municipal Code is exempt from CEQA provisions because such actions are administrative in nature.

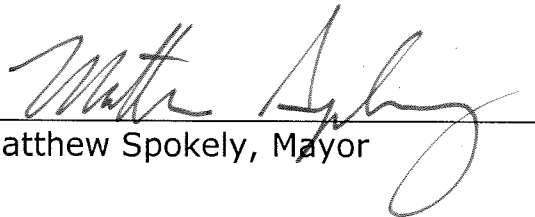
Section Three: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Auburn hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section Four: Inconsistent Provisions. Any provision of the Auburn Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

Section Five: Publication and Effective Date. This ordinance shall take effect 30 days after final adoption. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government

Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

DATED: September 25, 2017


Matthew Spokely, Mayor

ATTEST:


Amy Lind, City Clerk

I, Amy Lind, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular meeting of the City Council of the City of Auburn held on the 25th day of September 2017 by the following vote on roll call:

Ayes: Kirby, Berlant, Powers, Spokely

Noes:

Absent: Maki

Abstain:


Amy Lind, City Clerk

EXHIBIT "A"

CHAPTER 163: ELECTRIC VEHICLE CHARGING STATION

Section

- 163.01 Definitions
- 163.02 Purpose
- 163.03 Applicability
- 163.04 Electric Vehicle Charging Station Requirements
- 163.05 Application Requirements
- 163.06 Permit Review Compliance
- 163.07 Fees

§ 163.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning: **ELECTRIC VEHICLE CHARGING STATION(S)** or **CHARGING STATION(S)** means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this chapter or as it may be amended and/or renumbered thereafter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

ELECTRONIC SUBMITTAL means the utilization of one or more of the following:

- (1) Email;
- (2) The internet; and/or
- (3) Facsimile.

SPECIFIC, ADVERSE IMPACT means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

DIRECTOR means the Planning and Public Works Director or her or his designee.

§ 163.02 PURPOSE.

The purpose of this chapter is to adopt an ordinance in compliance with AB 1236 (Chapter 598, Statutes 2015, Cal. Gov't Code § 65850.7) while protecting public health and safety.

§ 163.03 APPLICABILITY.

(A) This chapter applies to the permitting of all electric vehicle charging stations in the city.

(B) All electric vehicle charging stations shall require a permit issued in accordance with this chapter. It shall be unlawful for any person to install, operate, or maintain an electric vehicle charging station without such a permit.

(C) Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, capacity, or components of a charging station. Routine operation and maintenance or like-kind replacements shall not require a permit.

§ 163.04 ELECTRIC VEHICLE CHARGING STATION REQUIREMENTS.

(A) All electric vehicle charging stations shall meet applicable federal, state, and city health and safety standards and requirements.

(B) All electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

§ 163.05 APPLICATION REQUIREMENTS.

(A) The Director shall adopt a checklist of all requirements with which the electric vehicle charging stations shall comply to be eligible for expedited review.

(B) Every application to the Director for the installation, alteration and replacement of an electric vehicle charging station shall be in the form provided by the Director, in writing, and contain the information set forth in the checklist and such other information as the Director may reasonably require to carry out the purpose of this chapter. The

permit application, checklist, and required permitting documentation shall be available on the city's website.

(C) The applicant may submit the permit application and associated documentation by personal, mailed, or electronic submittal. The Director shall adopt requirements for the submittal of the permit application, associated application documentation, and fees. Personal, mailed, or electronic submittal of the permit application, associated application documentation, and fees shall conform to the requirements adopted by the Director. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature. In connection with each permit application, an applicant shall:

(1) Verify to the Director's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the electric vehicle charging station is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the ground; and

(2) At the applicant's cost, verify to the Director's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new electrical loads.

(D) If the Director determines an application for an electric vehicle charging station satisfies the requirements of this chapter, the Director will deem the application complete. If the Director receives an incomplete application, the Director will issue a written correction notice to the applicant detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance. After the Director determines an application for an electric vehicle charging station is complete, the application will be processed in accordance with this chapter.

(E) An application for an electric vehicle charging station that is not accompanied by the applicable fees shall be considered incomplete.

§ 163.06 PERMIT REVIEW COMPLIANCE.

(A) The Director shall adopt an administrative, nondiscretionary review process to expedite approval of permit applications for electric vehicle charging stations.

(B) Where an application meets local, state, and federal health and safety requirements, the requirements of the checklist, and there are no specific, adverse impacts upon public health or safety — the Building Official shall complete the nondiscretionary permit approval process.

(C) The Building Official may require an applicant to apply for an electric vehicle charging station use permit if the Building Official finds, based on the initial application submittal, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety. The Building Official's decision may be appealed to the Planning Commission in accordance with chapter 162.

(D) If an electric vehicle charging station use permit is required, the Building Official may only deny an application for the electric vehicle charging station use permit if the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. The findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. The Building Official's decision may be appealed to the Planning Commission in accordance with chapter 162.

(E) If the Building Official issues an electric vehicle charging station use permit, the permit may include conditions designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit.

§ 163.07 FEES.

The City Council shall establish by resolution the fees charged for applications and permits under this chapter.